

SAGASER, JONES & HAESY

2445 Capitol Street, 2nd Floor
Post Office Box 1632
Fresno, California 93717-1632

Telephone: (559) 233-4800

Facsimile: (559) 233-9330

Howard A. Sagaser #072492

Melody A. Hawkins #226522

Attorneys for: Defendant/Counter-Complainant Sean Gahan

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

OPTISTREAMS, INC.

Plaintiff(s),

v.

SEAN GAHAN and DOES 1-25

Defendant(s).

SEAN GAHAN

Counter-Claimant

v.

OPTISTREAMS, INC.

Counter-Defendant.

Case No. 1:05-cv-00117 REC SMS

**STIPULATION AND ORDER
CHANGING SCHEDULING
CONFERENCE ORDER DATES**

It is hereby stipulated by and between David A. Roberts of Caswell Bell & Hillison, attorneys of record for Plaintiff and Counter-Defendant OptiStreams, Inc., and Howard A. Sagaser of Sagaser, Jones & Haesy, attorneys for Defendant and Counter-Claimant Sean Gahan that the following new dates are agreed upon and that the scheduling conference order is hereby amended as follows:

1. The deadline for discovery set forth in Paragraph 7D of the scheduling conference order is changed as follows:

D. The parties are ordered to complete all discovery pertained to non-experts on or before December 30, 2005, and all discovery pertained to experts on or before February 15, 2006.

- 1 E. The parties are directed to disclose all expert
2 witnesses, in writing, on or before
3 January 14, 2006 and all supplemental expert
4 witnesses, in writing, on or before
5 January 31, 2005.
- 6 2. The pre-trial conference in Paragraph 9 is changed to June 9, 2006 at
7 1:30p.m.
- 8 3. The trial date set forth in Paragraph 10 is hereby changed to August 8,
9 2006, at 9:00a.m.
- 10 4. The pre-trial motion schedule set forth in Paragraph 8 is hereby modified
11 as follows:
- 12 All non-dispositive pre-trial motions, including any
13 discovery motions, shall be filed on or before
14 February 15, 2006 and will be heard on March 17, 2006
15 at 9:30a.m. in Court Room No. 4 before the Honorable
16 Sandra M. Snyder, United States Magistrate Judge.
17 Further pertaining to all dispositive pre-trial motions shall
18 be filed on or before March 15, 2006 and be heard on
19 April 17, 2006 at 1:30p.m. in Court Room No. 1 before
20 the Honorable Robert E. Coyle, Senior United States
21 District Judge.

22 Except as so modified, all other terms of the scheduling conference Order dated
23 March 31, 2005, shall remain in effect.

24 DATED: September 8, 2005.

CASWELL, BELL & HILLISON, LLP

25 By /s/ David A. Roberts
26 David A. Roberts, Attorneys for
27 Plaintiff/Counter-Defendant
28 OptiStreams, Inc.

DATED: September 8, 2005.

SAGASER, JONES & HAHESEY

By /s/ Howard A. Sagaser
Howard A. Sagaser, Attorneys for
Defendant/Counter-Claimant Sean Gahan

ORDER

Upon reading the stipulation of the parties, it is hereby ordered that the deadlines for discovery set forth in Paragraph 7D of the scheduling conference order is changed as follows:

1. The parties are ordered to complete all discovery pertained to non-experts on or before December 30, 2005, and all discovery pertained to experts on or before February 15, 2006.

2. The parties are directed to disclose all expert witnesses, in writing, on or before January 14, 2006 and all supplemental expert witnesses, in writing, on or before January 31, 2005.

3. The pre-trial conference in Paragraph 9 is changed to June 9, 2006 at 1:30p.m. before Jude Snyder (was 3/7/2006).

4. The trial date set forth in Paragraph 10 is hereby changed to August 8, 2006, at 9:00a.m. before Judge Coyle (was 5/2/2006).

5. The pre-trial motion schedule set forth in Paragraph 8 is hereby modified as follows: All non-dispositive pre-trial motions, including any discovery motions, shall be filed on or before February 15, 2006 and will be heard on March 17, 2006 at 9:30a.m. in Court Room No. 4 before the Honorable Sandra M. Snyder, United States Magistrate Judge. Further pertaining to all dispositive pre-trial motions shall be filed on or before March 15, 2006 and be heard on April 17, 2006 at 1:30p.m. in Court Room No. 1 before the Honorable Robert E. Coyle, Senior United States District Judge.

Except as so modified, all other terms of the scheduling conference Order dated March 31, 2005, shall remain in effect.

DATED: 9/12/2005

/s/ Sandra M. Snyder

Honorable Sandra M. Snyder, Magistrate
Judge United States District Court, Eastern
District of California